

CHAPTER 1089**LICENSING AND REGULATION OF PLUMBERS
AND MECHANICAL PROFESSIONALS***H.F. 2390*

AN ACT relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. 2007 Iowa Acts, chapter 198, section 6, subsection 2, is amended by striking the subsection and inserting in lieu thereof the following:

2. Examinations for the licenses which may be issued pursuant to this chapter shall be conducted at least two times per year at such times and locations as the department may fix in consultation with the board. Applicants who fail to pass an examination shall be allowed to retake the examination at a future scheduled time. Any subsequent opportunities to take the examination are available only at the discretion of the board.

Sec. 2. 2007 Iowa Acts, chapter 198, section 6, is amended by adding the following new subsection:

NEWSUBSECTION. 6. The board shall adopt by rule a specific plumbing examination and a specific mechanical examination for each license type to be used for all plumbing and mechanical license examinations throughout the state.

Sec. 3. 2007 Iowa Acts, chapter 198, section 7, is amended by adding the following new subsection:

NEWSUBSECTION. 7. Allowing an applicant who has failed an examination to request information about the subject areas which the applicant failed to answer correctly. An applicant shall not have access to actual test questions and answers.

Sec. 4. 2007 Iowa Acts, chapter 198, section 11, subsections 1 and 2, are amended to read as follows:

1. Apply to a person licensed as an engineer pursuant to chapter 542B, licensed as a manufactured home retailer or certified as a manufactured home installer pursuant to chapter 103A, registered as an architect pursuant to chapter 544A, or licensed as a landscape architect pursuant to chapter 544B who provides consultations or develops plans or other work concerning plumbing, HVAC, refrigeration, or hydronic work who is exclusively engaged in the practice of the person's profession.

2. Require employees of municipal corporations utilities, electric membership or cooperative associations, public utility corporations, rural water associations or districts, railroads, or commercial retail or industrial companies performing manufacturing, installation, service, or repair work for such employer to hold licenses while acting within the scope of their employment. This licensing exemption does not apply to employees of a rate-regulated gas or electric public utility which provides plumbing or mechanical services as part of a systematic marketing effort, as defined pursuant to section 476.80.

Sec. 5. 2007 Iowa Acts, chapter 198, section 11, is amended by adding the following new subsections:

NEWSUBSECTION. 9. Apply to an employee of any unit of state or local government, including but not limited to cities, counties, or school corporations, performing routine maintenance, as defined by rule, on a mechanical system or plumbing system, which serves a state-owned facility while acting within the scope of the state employee's employment.

NEWSUBSECTION. 10. Apply to the employees of manufacturers, manufacturer repre-

sentatives, or wholesale suppliers who provide consultation or develop plans concerning plumbing, HVAC, refrigeration, or hydronic work, or who assist a person licensed under this chapter in the installation of mechanical or plumbing systems.

Sec. 6. 2007 Iowa Acts, chapter 198, section 12, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to the certificate, the department shall provide each licensee with a wallet-sized licensing identification card.

Sec. 7. 2007 Iowa Acts, chapter 198, section 17, subsection 1, is amended to read as follows:

1. The provisions of this chapter regarding the licensing of plumbing, HVAC, refrigeration, and hydronic professionals and contractors shall supersede and preempt all plumbing, HVAC, refrigeration, or hydronic licensing provisions of all governmental subdivisions. ~~On and after the effective date of this Act~~

a. A governmental subdivision that issues licenses on July 1, 2008, shall continue to issue licenses until June 30, 2009. On July 1, 2009, all plumbing and mechanical licensing provisions promulgated by any governmental subdivision shall be null and void, except reciprocal licenses as provided in section 104C.21, and of no further force and effect, and.

b. On and after July 1, 2008, a governmental subdivision may shall not prohibit a plumbing, HVAC, refrigeration, or hydronic professional licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any plumbing and mechanical licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

Sec. 8. 2007 Iowa Acts, chapter 198, section 18, subsection 2, paragraph b, subparagraph (3), is amended to read as follows:

(3) Provide the board with evidence of having completed at least four years of practical experience as an apprentice. Commencing January 1, 2010, the four years of practical experience required by this subparagraph must be an apprenticeship training program registered by the bureau of apprenticeship and training of the United States department of labor.

Sec. 9. 2007 Iowa Acts, chapter 198, section 20, subsection 7, is amended by striking the subsection and inserting in lieu thereof the following:

7. The board shall, by rule, establish a reinstatement process for a licensee who allows a license to lapse for a period greater than one month, including reasonable penalties.

Sec. 10. 2007 Iowa Acts, chapter 198, section 35, is repealed.

Sec. 11. EFFECTIVE DATE. 2007 Iowa Acts, chapter 198, sections 1 through 4, being deemed of immediate importance, take effect upon enactment of this Act.

Sec. 12. EFFECTIVE DATE. 2007 Iowa Acts, chapter 198, sections 5 through 27 and sections 30 through 34, take effect July 1, 2008.

Sec. 13. EFFECTIVE DATE. 2007 Iowa Acts, chapter 198, sections 28 and 29, take effect January 1, 2009.

Approved April 16, 2008

CHAPTER 1090**CITY UTILITIES OR ENTERPRISES —
RATES AND SERVICES***H.F. 2392*

AN ACT relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 384.84, subsection 2, paragraphs c and d, Code 2007, are amended to read as follows:

c. A city utility or enterprise service to a property or premises shall not be discontinued unless prior written notice is sent, by ordinary mail, to the account holder by ordinary mail in whose name the delinquent rates or charges were incurred, informing the account holder of the nature of the delinquency and affording the account holder the opportunity for a hearing prior to discontinuance of service. If the account holder is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord.

d. (1) If a delinquent amount is owed by an account holder for a utility service associated with a prior property or premises, a city utility, city enterprise, or combined city enterprise may withhold service from the same account holder at any new property or premises until such time as the account holder pays the delinquent amount owing on the account associated with the prior property or premises. A city utility, city enterprise, or combined city enterprise shall not withhold service from, or discontinue service to, a subsequent owner who obtains fee simple title of the prior property or premises unless such delinquent amount has been certified in a timely manner to the county treasurer as provided in subsection 3, paragraph "a", subparagraphs (1) and (2).

(2) Delinquent amounts that have not been certified in a timely manner to the county treasurer are not collectible against any subsequent owner of the property or premises.

Sec. 2. Section 384.84, subsection 3, Code 2007, is amended to read as follows:

3. a. (1) Except as provided in paragraph "d", all rates or charges for the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, if not paid as provided by ordinance of the council or resolution of the trustees, are a lien upon the property or premises served by any of these services upon certification to the county treasurer that the rates or charges are due.

(2) If the delinquent rates or charges were incurred prior to the date a transfer of the property or premises in fee simple is filed with the county recorder and such delinquencies were not certified to the county treasurer prior to such date, the delinquent rates or charges are not eligible to be certified to the county treasurer. If certification of such delinquent rates or charges is attempted subsequent to the date a transfer of the property or premises in fee simple is filed with the county recorder, the county treasurer shall return the certification to the city utility, city enterprise, or combined city enterprise attempting certification along with a notice stating that the delinquent rates or charges cannot be made a lien against the property or premises.

(3) If the city utility, city enterprise, or combined city enterprise is prohibited under subparagraph (2) from certifying delinquent rates or charges against the property or premises served by the services described in subparagraph (1), the city utility, city enterprise, or combined city enterprise may certify the delinquent rates or charges against any other property or premises located in this state and owned by the account holder in whose name the rates or charges were incurred.

b. This The lien under paragraph "a" may be imposed upon a property or premises even if